

U.S. v. Manafort

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

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UNITED STATES OF AMERICA, : Criminal Action No.
: 1:18-CR-83
:
versus :
: August 15, 2018
PAUL J. MANAFORT, JR., :
: Volume XII -
Defendant. : **BENCH CONFERENCE - REDACTED**
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TRANSCRIPT OF JURY TRIAL - REDACTED BENCH CONFERENCE
BEFORE THE HONORABLE T.S. ELLIS, III
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT: UZO ASONYE, AUSA
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and
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and

Tonia M. Harris OCR-USDC/EDVA 703-646-1438

EASTERN DISTRICT OF VIRGINIA

Appearances continued:

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OFFICIAL COURT REPORTER:

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U.S. District Court, Ninth Floor
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Alexandria, VA 22314

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1 (Unsealed bench conference at 9:59 a.m.)

2 MR. DOWNING: Your Honor, we have one pending motion
3 in front of the Court from yesterday regarding to [REDACTED].

4 THE COURT: Regarding what, sir?

5 MR. DOWNING: Juror [REDACTED].

6 THE COURT: Oh, yes.

7 MR. DOWNING: So there was one issue you had
8 reserved and I thought we should get a ruling on that before
9 we proceed. Our motion was to have her excluded from the jury
10 based on her lack of candor with the Court.

11 THE COURT: All right. I recall that. I don't know
12 why I can't defer that until after closing arguments are made.

13 MR. DOWNING: Okay.

14 MR. WESTLING: I think you can defer the decision,
15 Your Honor. We just wanted to make sure we were not waiving
16 any issues.

17 THE COURT: You are not. I have that in mind.
18 You're not waiving anything, but I deliberately am delaying it
19 until after everyone has heard arguments and we'll see.

20 (Bench conference ends.)

21 (Unsealed Bench conference at 5:56 p.m.)

22 THE COURT: Now, the other thing is the motion
23 that's outstanding to strike the juror and the grounds of that
24 motion. Would you tell me again please, sir; is that you
25 think she was untruthful.

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1 MR. DOWNING: Yes, Your Honor.

2 THE COURT: Which of the two do you think was
3 untruthful?

4 MR. DOWNING: [REDACTED].

5 THE COURT: How do you know that?

6 MR. DOWNING: Well, I think --

7 THE COURT: See let me tell you why I raise that and
8 then you can address it.

9 MR. DOWNING: Sure.

10 THE COURT: [REDACTED] is the juror who came up and said
11 look this is what I've heard.

12 MR. DOWNING: Yes.

13 THE COURT: When I asked her to identify it, the
14 only one she can identify was [REDACTED]. [REDACTED] came said I never said
15 such a thing. That's the conflict. But, something happened
16 after that. I've voir dired all of the jurors and they all
17 said nothing was heard. So I'm left with a situation where I
18 don't know who is dishonest or untruthful.

19 MR. DOWNING: I would add the letter -- the note
20 that [REDACTED] sent to you saying, [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 It seems to me, to us, and to my client, to being an
24 admission that she had in fact said something. And if in fact
25 she did, I think [REDACTED] came in very credible as to what the

1 statement was and how she had made her mind up.

2 THE COURT: Well, that's a different point. That's
3 a point about whether she was so [REDACTED]
4 that she could not function and I asked her a question about
5 that. In any other case I've had like this, parties
6 particularly agree, I don't know -- I take it you're not
7 willing to agree to excuse her --

8 Don't nod or shake your head. Let's wait until it's
9 answered.

10 (The Court addressing Mr. Asonye.)

11 MR. ANDRES: No, Your Honor.

12 THE COURT: Don't worry about it Mr. Asonye.

13 When I was doing what you're doing, I often did
14 that. But when you become a judge, you'll find it absolutely
15 irritating.

16 All right. Now, so it's opposed. In the
17 circumstances, I asked her questions. I did not determine
18 that she was incompetent to serve. You have a record and if
19 necessary, you can pursue it, but I don't see a record on
20 which I should now exercise my discretion to strike her.

21 So what I will now do is excuse the alternates. In
22 fact, I think one of the person who reported it was an
23 alternate.

24 MR. DOWNING: No.

25 THE COURT: No.

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(End of bench conference.)

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Tonia M. Harris OCR-USDC/EDVA 703-646-1438

EASTERN DISTRICT OF VIRGINIA

CERTIFICATE OF REPORTER

I, Tonia Harris, an Official Court Reporter for the Eastern District of Virginia, do hereby certify that I reported by machine shorthand, in my official capacity, the proceedings had and testimony adduced upon the Unsealed Bench Proceedings in the case of the **UNITED STATES OF AMERICA versus PAUL J. MANAFORT, JR.**, Criminal Action No. 1:18-CR-83, in said court on the 15th day of August, 2018.

I further certify that the foregoing 7 pages is a true and correct transcript of the record of proceedings and incorporating redactions of personal identifiers. Redacted characters appear as a [REDACTED] "blackout block" in the transcript.

In witness whereof, I have hereto subscribed my name, this August 22, 2018.

_____/s/____

Tonia M. Harris, RPR
Official Court Reporter